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MATIAS PEREZ-SANVICENTE  
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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MATIAS PEREZ-SANVICENTE,

15 Defendant.  
16

Case No.:2:12-MJ-220-PAL

**STIPULATION TO CONTINUE**  
**BENCH TRIAL**  
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
18 States Attorney, and Nadia Janjua Ahmed, Assistant United States Attorney, counsel for the United  
19 States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington,  
20 Assistant Federal Public Defender, counsel for MATIAS PEREZ-SANVICENTE, that the bench trial  
21 currently scheduled on Wednesday, December 19, 2012 at 8:45 a.m., be vacated and be continued  
22 to a date and time convenient to the Court, but no earlier than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. The defendant is not in custody and does not oppose the continuance.  
25 2. The defendant recently injured his foot, which resulted in a third degree left foot  
26 ulcer.  
27 3. The parties have reached a proposed agreement that they plan to present to the  
28 court at the next scheduled hearing date.

1           4.       Additionally, denial of this request for continuance could result in a miscarriage of  
2 justice. The additional time requested by this Stipulation is excludable in computing the time within  
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
4 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering  
5 the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6           This is the first request for a continuance of the bench trial.

7           DATED December 14, 2012

8           RENE L. VALLADARES  
9           Federal Public Defender

DANIEL G. BOGDEN,  
United States of Attorney

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11           By:/s/ Nisha Brooks-Whittington  
12           NISHA BROOKS-WHITTINGTON  
            Assistant Federal Public Defender

By: /s/ Nadia Janjua Ahmed  
NADIA JANJUA AHMED  
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

2:12-MJ-220-PAL

Plaintiff,

vs.

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

MATIAS PEREZ-SANVICENTE,

Defendant.

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is not in custody and does not oppose the continuance.
2. The defendant recently injured his foot, which resulted in a third degree left foot ulcer.
3. The parties have reached a proposed agreement that they plan to present to the court at the next scheduled hearing date.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United  
2 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),  
3 when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and  
4 3161(h)(7)(B)(iv).

5  
6 **ORDER**

7 IT IS THEREFORE ORDERED that the bench trial currently scheduled on  
8 Wednesday, December 19, 2012 at 8:45 a.m., be vacated and continued to  
9 Wednesday, February 20, 2013 at the hour of 8:45 a.m.;

10  
11 DATED this 39<sup>th</sup> day of "F" gego dgt . 20120

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13   
14 UNITED STATES MAGISTRATE JUDGE